

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff/Respondent,	§	
	§	
V.	§	CR. No. C-06-387 (2)
	§	C.A. No. C-07-427
GERARDO ESQUIVEL-SOLIS,	§	
	§	
Defendant/Movant.	§	

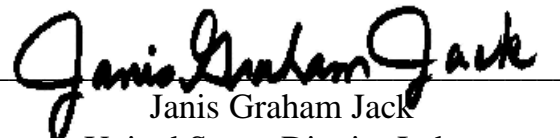
**ORDER GRANTING MOTION
TO PROCEED *IN FORMA PAUPERIS*
AND ORDER APPOINTING COUNSEL ON APPEAL**

As set forth in this Court's August 4, 2008 order, the Court has determined that Defendant Gerardo Esquivel-Solis is entitled to an out-of-time direct appeal in his criminal case. (See D.E. 96.) In the same order, the Court noted that Esquivel-Solis had filed a timely notice of appeal from the reinstated judgment and the Court conditionally appointed Chris Iles to represent Esquivel-Solis in his appeal. (D.E. 96 at 6-7.) The Court instructed Esquivel-Solis that if he wanted to continue to have appointed counsel represent him on appeal, he needed to file a financial affidavit not later than twenty days after entry of the Court's order. (D.E. 96 at 6.)

Esquivel-Solis has filed both an application to proceed *in forma pauperis*, and has also separately filed several documents showing account transactions and balances from his prison account. (D.E. 104, 99, 106.) Having reviewed these documents and the financial information contained therein, the Court concludes that Esquivel-Solis is "financially unable to obtain counsel." See 18 U.S.C. § 3006A(b). Thus, he is entitled to appointed counsel on appeal and is entitled to proceed on appeal *in forma pauperis*. Accordingly, his motion to proceed *ifp* (D.E. 104) is

GRANTED and Mr. Iles' appointment is no longer conditional. The Court hereby appoints Chris Iles to represent Esquivel-Solis in his direct criminal appeal.

It is so ORDERED this 21st day of August, 2008.


Janis Graham Jack
United States District Judge